



DEAR HON. KENNETH M. KARAS, U.S. D. J.,

MY NAME IS NELSON CARTAGENA - 70401-054. I AM CURRENTLY INCARCERATED AT FCI DANBURY ONE OF THE HOT SPOTS FOR THE COVID-19 PANDEMIC. A G BARR DIRECTED IMMEDIATE REVIEW OF ALL INMATES WHO HAVE COVID-19 RISK FACTORS AS ESTABLISHED BY THE CSC. STARTING WITH INMATES HERE AT FCI DANBURY.

FIVE YEARS AGO THE "FIRE MARSHALL" HAD MAXIMUM OCCUPANCIES "60 PEOPLE" POSTED ON THE WALLS AT BOTH THE FRONT AND REAR DOORS IN THE DORMS AT FCI DANBURY ABOUT 6 MONTHS LATER THE ADMINISTRATION HERE CAME INTO EVERY DORM TOOK OUT THE OCCUPANCY FROM 60 TO 80 INMATES THIS MAKES THE CONDITIONS HERE IN DANBURY ONE OF THE MOST ABYSMAL CONDITIONS IN THE ENTIRE BOP WITH NO ROOM TO SOCIAL DISTANCE.

ON APRIL 1, 2020 5 INMATES THAT ARE HOUSED IN THE SAME UNIT AS ME HAD SYMPTOMS OF THE COVID-19 WERE TESTED AND 3 DAYS LATER ON APRIL 4, 2020 CAME BACK WITH POSITIVE RESULTS. THEY WERE ISOLATED AND THEN RETURNED TO THE SAME UNIT SAME BED ASSIGNMENT ON APRIL 8, 2020. ONE OF WHICH THAT TESTED POSITIVE SLEEPS LESS THEN 3 FT AWAY FROM ME. THE ADMINISTRATION AND THE WARDEN MRS. EASTER TOLD EVERYONE IN THE DORM WHERE I RESIDE THAT "THIS IS GROUND ZERO FOR COVID-19".

YOUR HONOR I AM WRITING YOU TODAY TO RESPECTFULLY ASK FOR SOME TYPE OF RELIEF OR BE SENT TO HOME CONFINEMENT. THE BOP HAS GENERALLY PRIORITIZED FOR HOME CONFINEMENT THOSE INMATES WHO SERVED A CERTAIN PORTION OF THEIR SENTENCES, OR WHO ONLY HAVE A RELATIVELY SHORT AMOUNT OF TIME REMAINING ON THEIR SENTENCES. AT THIS TIME THE BOP IS PRIORITIZING FOR CONSIDERATION THOSE INMATES WHO EITHER: (1) HAVE SERVED 50% OR MORE OF THEIR SENTENCES, (2) OR HAVE 18 MONTHS OR LESS REMAINING ON THEIR SENTENCES AND HAVE SERVED OR MORE OF THEIR SENTENCES. I FIT THIS CRITERIA YOUR HONOR. I EXHAUSTED MY ADMINISTRATIVE REMEDIES. THE BOP HAVE FAILED TO CONTROL THE OUTBREAK HERE AT FCI DANBURY. COVID-19 HAS CONTINUED TO SPREAD AT THIS FACILITY. WITH 60 INMATES AND 50 STAFF MEMBERS INFECTED. WITH A RESULT OF 1 DEATH HERE AT FCI DANBURY. WE ARE CONTINUALLY EXPERIENCING SIGNIFICANT LEVELS OF INFECTION HERE.

SINCE I HAVE BEEN INCARCERATED I HAVE MAINTAINED CLEAR CONTACT BEEN GAINFULLY EMPLOYED AND CONTINUALLY PARTICIPATED IN PROGRAMMING AND EDUCATIONAL CLASSES. AS MY BOP PROGRESS REPORT WILL REFLECT, MY PROJECTED RELEASE DATE IS APRIL 21, 2021 WITH A HOME DETENTION ELIGIBILITY DATE OF OCTOBER 30, 2020. IF FAVORABLE JUDGEMENT CAN BE MADE UNDER THESE COMPELLING CIRCUMSTANCES. ALTHOUGH I HAVE NO UNDERLYING

HEALTH ISSUES BUT IF AN INMATE DOESN'T GET RELEASED AND CATCHES THE COVID-19 VIRUS HE WOULD NOT BE EXPECTED TO RECOVER U.S. V.S. FOSTER, 1:14-CR-334-GD-MD-PA. THEREFORE TIME IS OF ESSENCE.

RELEASING ME WOULD ALLOW ME TO HAVE ACCESS TO BETTER MEDICAL TREATMENT IF NEEDED AS WELL AS AFFORD ME THE OPPORTUNITY TO PROPERLY SOCIAL DISTANCE TO LOWER THE RISK OF ME GETTING SICK. I CAN NOT PUT MY TRUST IN THE MEDICAL STAFF HERE YOUR HONOR AS STATED BY SEN. MURPHY AND SEN. BLUMENTHAL "FCI DANBURY IS INCOMPETENT OF DEALING WITH THE COVID-19 PANDEMIC" I HONESTLY FEAR FOR MY LIFE YOUR HONOR.

I ASK RESPECTFULLY THAT YOU CONTACT THE WARDEN HERE AT FCI DANBURY AND ORDER HER TO IMMEDIATELY SEND ME TO HOME CONFINEMENT. I DO HAVE A RE-ENTRY PLAN. I CAN GO LIVE WITH MY SISTER WHO RESIDES AT 14 GARFIELD ST JERICHO, N.Y. 10701 APT #1 AND QUARANTINE THERE. THANK YOU FOR YOUR TIME YOUR HONOR.

Motion for compassionate release under 18 U.S.C. Section 3582 is denied. First, Mr. Cartagena has not exhausted his administrative remedies, which he must under the statute, even in the face of the coronavirus pandemic. Second, Mr. Cartagena has not established any extraordinary or compelling reasons for his release. He is in his mid-30s and does not even claim he suffers from any health problems that increase his risk from the virus. While FCI Danbury has had its challenges in addressing the virus' spread, it has recently undertaken measures to improve conditions there. Thus, the application is denied, without prejudice should circumstances change (or Mr. Cartagena exhausts his administrative remedies).

Respectfully,

Nelson Cartagena

So Ordered.

*[Signature]*

5/28/20

The Clerk of the Court is directed to mail a copy of this Order to the ~~Prisoner~~

Mr. Cartagena